IA00006
patent application

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant(s):	Juergen Reinold Donald Remboski	Atty Docket No.　IA00006

Serial No.:	09/943,882	Group Art Unit:	2663
Filed:	08/31/2001	Examiner:	Nhat Q. Do
TITLE:	VEHICLE ACTIVE NETWORK WITH FAULT TOLERANT DEVICES		

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I hereby certify that this correspondence is being facsimile transmitted to Mail Stop NON-FEE AMENDMENT, Commissioner for Patents, Box 1450, Arlington, VA 22202.

On _____ November 21, 2003 _____

Signature _____

Y. Lynn Webb
Printed Name of Person Signing Certificate

AFFIDAVIT
PURSUANT TO 37 C.F.R. §1.132

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Assistant Commissioner:

STATE OF ILLINOIS	)
	)
COUNTY OF COOK	)

I, Juergen Reinold, being duly sworn, depose and say as follows:

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I received a Vordiplom in Informatik (analogous to Bachelor of Science Degree in Computer Science) from the Rheinisch-Westfälische Technische Hochschule (RWTH) Aachen in Germany in 1985 and the Informatik Diplom (analogous to Master of Science Degree in Computer Science) the Rheinisch-Westfälische Technische Hochschule (RWTH) Aachen in Germany in 1989.

I have been employed by Motorola, Inc. since 1989 where I have served in various management and technical capacities. I spent most of my technical work at the Motorola Computer Group, both in Düsseldorf/Germany and in Tempe/Arizona. I have developed system software, performed system and performance analysis on complex computing and communication systems, and created the architecture for the StarMax Pro 6000 desktop computer, "The Fastest Personal Computer On Earth" according to MacWeek Magazine in August 1997. I led a team of engineers as the Chief Architect on a development effort in Motorola geared towards the next generation systems architecture for automotive electronic systems. I have published several papers and given key note speeches on computer system performance and architecture issues. Additionally, I have inventively contributed to more than thirty filed or issued US patents for Motorola.

I, Juergen Reinold, am an inventor of the above referenced patent application and have reviewed U.S. Patent No. 6,292,718 (hereinafter Staiger) and state the following:

The present invention teaches a vehicle comprising an active network. Staiger does not disclose or suggest a vehicle comprising an active network. Moreover, even if the subject matter of Staiger were combined with other art of record, this would not lead anyone to develop the invention. For example, Staiger in combination with other art of record does not teach all of the claimed features namely, a vehicle comprising an active network. See, for example, independent claims 1 and 10 of the application.

As is known in the art, traditional data networks (passive networks) passively transport messages from one end node to another. Such passive networks are only aware of the destination of messages passing through the nodes and are specifically designed to deliver exactly one unmodified copy of the message to its ultimate destination. The passive network is insensitive to the messages it carries and the messages are transferred between nodes without modification. This is exclusively the type of network taught in Staiger.

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As understood by those skilled in the art of computing and networking, an active network is a network in which the nodes can perform custom operations on the contents of the messages that pass through the nodes. An active network does not require a central server or computing resource. Active network nodes are aware of the contents of the messages transported and can participate in the processing and modification of the messages while they travel through the network.

Staiger teaches an electronic control system for controlling the function of a processing system in an automobile. The system taught by Staiger uses operating systems such as OSEK or QNX, which do not support an active network (column 8, lines 27-30). Also, Staiger supports communication paths that employ preferably interrupt driven solutions, polling techniques, multi-drop networks, arbitration and decentralized bus schemes (FIG.2, and column 11, lines 24-45). None of these is an active network as understood by those skilled in the art. In all of these, Staiger clearly requires a central management unit to control other nodes in the system (Figures 1-7). Central management unit is at the center of a passive network. The various units in Staiger (ComPro, SysMon, CAP, etc.) cannot perform custom operations on messages passing through them. In addition various units in Staiger (ComPro, SysMon, CAP, etc.) are not aware of, and cannot participate in the processing or modification of, the contents of messages passing through them. Therefore, nowhere does Staiger teach or suggest an active network as understood by those skilled in the art.

Staiger fails to teach a vehicle comprising an active network. Consequently, even if Staiger were combined with any other reference of record, such a combination would not lead to the practice of the invention. See, for example, independent claims 1 and 10 of the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the subject patent application or any patent issued thereon.

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I further declare that I have received no special compensation or consideration for making this affidavit, nor have I been in any way told, either directly or by implication or inference, by anyone that my employment by Motorola, Inc. or my professional advancement or other matters of personal or professional interest to me depend in any way on whether or not I make this affidavit or the content thereof. I further declare that I make this affidavit of my own free will and choice without any duress or influence of any kind, believing fully in the truth of the statements made by myself herein.

_____
Juergen Reinold

I, DAWN M HEBEW _____, a Notary Public in and for the County and State aforesaid, do hereby certify that Juergen Reinold, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and Notary Seal this _20_ day of _November_, 2003.

My commission expires on _9-28-2005_

SEAL

OFFICIAL SEAL
DAWN M HEBEIN
Notary Public - State of Illinois
My Commission Expires Sep 28, 2005

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